

25959. Adulteration of cold-pack strawberries. U. S. v. 29 Barrels of Cold-Pack Strawberries. Consent decree of condemnation. Product released under bond; unfit portion destroyed and bond canceled. (F. & D. no. 36273. Sample no. 39776-B.)

This case involved an interstate shipment of cold-pack strawberries examination of which showed the presence of decomposed strawberries.

On September 10, 1935, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 barrels of cold-pack strawberries at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about August 2, 1935, by the C. H. Musselman Co., from Biglersville, Pa., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On December 10, 1935, R. C. Teachey & Co., Inc., Norfolk, Va., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be disposed of as required by this Department. On May 14, 1936, the unfit berries having been separated from the product and destroyed, the bond was ordered canceled.

M. L. WILSON, *Acting Secretary of Agriculture.*

25960. Adulteration of cocoa. U. S. v. 35 Barrels of Cocoa, et al. Consent decrees of condemnation and destruction. (F. & D. nos. 36245, 36429. Sample nos. 42850-B, 42861-B, 43052-B.)

These cases involved interstate shipments of cocoa examination of which showed the presence of lead.

The United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court on August 28, 1935, a libel praying seizure and condemnation of 35 barrels of cocoa, and on September 27, 1935, a libel praying seizure and condemnation of 22 barrels of cocoa at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 23 and September 4, 1935, by United Chocolate Refiners, Inc., from Mansfield, Mass., and that it was adulterated in violation of the Food and Drugs Act. The barrels of the article were labeled in one case, "Highland Special E-1328 Liggett's Cocoa 200 Lbs. Net"; and in the other case, "Highland Special E-1328 Liggett's Cocoa 180 Lbs. Net."

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it harmful to health.

On September 10, 1936, the Hudson Valley Pure Food Co., Inc., claimant, having consented to a decree, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

25961. Adulteration of ketchup. U. S. v. 98 Cases of Ketchup. Default decree of condemnation and destruction. (F. & D. no. 36421. Sample no. 24823-B.)

This case involved an interstate shipment of ketchup that contained worm debris.

On September 21, 1935, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 98 cases of ketchup at Beaumont, Tex., alleging that the article had been shipped in interstate commerce on or about February 28, 1935, by Kurer Empson Co., from Brighton, Colo., and that it was adulterated in violation of the Food and Drugs Act. The article, contained in bottles, was labeled in part: "Empson's Ketchup Contents 14 Oz. Avd. The Empson Packing Co. General Offices, Brighton, Colo., U. S. A."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 8, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*